

REGIONAL DIRECTOR MANUAL

(To access a link provided in this document, select the link, press the CTRL key, and then click your mouse)

The Regional Director Manual is intended to be a quick reference to information and guidance in the various areas for which a Director has responsibility in the administration of a Regional Office. These areas include labor relations, case handling guidance and instructions, and discrete administrative topics. It is not an exhaustive listing of all informative resources available, rather it is a general listing of important and particularly useful reference material. Therefore, a Director should not rely solely on these materials in the decision-making process.

Although portions may become outdated as changes in policy and the law occur, initially the material was selected based on its viability as well as its lack of inclusion in other resource material such as casehandling manuals. The information in this section consists generally of listings of relevant Operations (OM) and General Counsel (GC) memos, Administrative Bulletins (AB)¹ and Administrative Policy Circulars (APC),² among others. Although reports from the Inspector General are not management directives, some such reports have been included because they provide information that would be of assistance to Directors. Most of these documents can be directly accessed on the Surfboard. Other documents such as confidential material and documents not previously available on the Surfboard have been indexed and made accessible. There are also direct links to web sites on the Intranet and other government web sites.

The topics are listed in alphabetical order under the most common reference and in many cases are cross-referenced under other related words.

-A-

Absence and Leave

See "Leave and Attendance"

Accommodation

See "Americans with Disabilities Act"

Acting Regional Director

GC Memo 09-07 – Appointment of Acting Regional Directors

OM Memo 89-79 - Designation of Acting Regional Directors

¹ ABs are limited to information of a temporary nature that must be made known to either Agency supervisors, all employees, or specific categories of employees.

² APCs are directives issued under the signature of the Director of Administration which establish, change, or discontinue administrative policies of the Agency. The contents of the APCs are incorporated as soon as possible into one or more chapters of the NLRB Administrative Policies and Procedures Manual.

Adverse Actions

See “Disciplinary Actions”

Advice

GC Memo 11-11 – Mandatory Submissions to Advice

OM Memo 10-13 (CH) – Casehandling Regarding Application of Spielberg/Olin standards

OM Memo 08-74 (CH) – *Collyer* and *Dubo* Deferral of Blocking Charges

GC Memo 08-09 – Submission of First Contract Bargaining Cases to the Division of Advice

OM Memo 08-13 – Cases Involving Severance Agreements Containing Waivers Executed Prior to the Filing or Investigating of an Unfair Labor Practice Charge

OM Memo 06-65 - Cases Arising Out of Immigration Rallies

OM Memo 05-86 - Casehandling Instructions for "C" Cases Involving Airport Screeners

OM Memo 06-42 - Regional Office Procedures for Handling Pending Section 8(b)(4)(ii)(B) Charges Involving Union "Banner" of Neutral Persons and the Display of Inflatable Rats

OM Memo 04-76 - Casehandling Instructions Regarding Cases Involving Card Check and Neutrality Agreements

OM Memo 04-72 - Casehandling Instructions for Charges that Concern Information Requests about Strike Replacements

ADR and Mediation

OM Memo 08-21 – Court Mediation

OM Memo 06-17 – Alternative Dispute Resolution Program

Americans with Disabilities Act (ADA)

Management Writes article, April 2012 – “Employee Leave under the Provisions of the Rehabilitation Act/ADA Amendments Act and the Family and Medical Leave Act”

IG Inspection Report No. OIG-INS-11-00-09, Review of Handicap Access

<http://www.eeoc.gov/facts/accommodations-attorneys.html> - EEOC Guidelines regarding Reasonable Accommodations for Attorneys with Disabilities

Related NLRB Guidance

APC-03-04 Reasonable Accommodation Procedures

Computer/Electronic Accommodations Program (CAP Program)

Management Writes article, May 2009 – “Changes to the ADA”

Management Writes article, March 2008 – “A Requirement: Keeping Medical Information Confidential”

Management Writes article, January 2006 – “The Rehabilitation Act and the American with Disabilities Act” (second article of a series)

Management Writes article, January 2005 – “The Rehabilitation Act and the American with Disabilities Act” (general overview)

Management Writes article, September 2003 – “Why Can’t I Look at that Physician’s Letter?”
(Physician’s letter must be maintained in a separate medical folder rather than in a non-medical work file)

Management Writes article, June 2002 – “Disabled Under the ADA – Maybe Not”
Dealing with Disability Claims as a Defense to Performance Issues (4 page document)

Answers

OM Memo 05-55 - Filing a Motion to Strike Respondent's Answer When It Contains Denials not in Conformance with Section 102.21 of the Board's Rules and Regulations

Appraisals

See also “Mid-Term Progress Review”

OM Memo 03-07 - Appraisals for Cooperative Education Students, Summer Student Assistants and Student Volunteers

E-mail from Anne Purcell, dated October 2, 2007, entitled “Confidential Message on Awards”

E-mail from Richard Siegel, dated June 26, 2006, with attached “Confidential Labor Relations Memorandum, entitled “Timely Evaluation of Probationary Employees”

FOIA Ex. 2

For copies of forms go to NLRB Surfboard - Web Forms Library
NLRB SurfBoard – Human Resources Page

http://nlrbnet.nlr.gov/Personnel/Forms/personnel_forms.htm#performance%20appraisal%20forms

NLRB SurfBoard – Web Forms Library

Attorney-Conversion

OM Memo 11-55 – Conversion of Field Examiners to the Field Attorney Position

Attorney-Client Privilege

Document entitled “Attorney-Client Privilege Question – Region 14 (August 6, 2007)”

(discusses whether in pretrial can ask a rank-and-file employee witness about pretrial discussions employee had with employer’s counsel and whether employee received *Johnnie’s Poultry* assurances)

Document entitled “Attorney-Client Privilege Training Materials” dated December 7, 2006

Attorney Licensing

See “Bar Licensing Status”

Awards

The NLRB has an active incentive awards program, which provides monetary and/or honorary recognition, including time-off without loss of pay, to employees on the basis of their performance, superior accomplishments, and length of service. In addition, there is a successful

suggestion program which awards employees for suggestions on how to improve efficiency or effectiveness of NLRB operations.

Types of Awards:

Bilingual Awards

Performance Awards (for Performance Award Scale for General Schedule (GS))

Employees see:

http://nlrbnet.nlr.gov/Personnel/Labor%20&%20Employee%20Relations/labor_&_employee_relations.htm#Awards%20and%20Employee%20Recognition

Quality Step Increases – see e-mail dated October 2, 2007 entitled “Confidential Message on Awards” [REDACTED]

FOIA Ex. 2

Memo Dated March 6, 2008 entitled “Quality Step Increases”

Special Act Awards

Suggestion Program (awards employees for their suggestions on how to improve efficiency or effectiveness of NLRB operations.)

Time Off Awards

E-mail from Anne Purcell, dated October 2, 2007, entitled “Confidential Message on Awards”

FOIA Ex. 2

Field Professional Collective Bargaining Agreement – Article 12

Field Support Staff Collective Bargaining Agreement – Article 12

~~Related APPM Chapter~~

PER-4 Employee Recognition Program

Revised Protocol on Field Personnel Actions

-B-

Backpay

See also “Closed Case Report”

OM Memo 11-61 - Financial Remedies and Other Settlement Terms Audit OIG-AMR-63

GC Memo 11-08 – Changes to the Methods Used to Calculate Backpay in Light of Kentucky River Medical Center and to Better Effectuate the Remedial Purposes of the Act Attachment: Daily Compound Interest

GC Memo 11-07 - Guideline Memorandum Regarding Backpay Mitigation

OM Memo 09-27 – Instructions for Protecting Information Pursuant to Oil Capitol Sheet Metal Compliance Investigations

OM Memo 09-16 – Mitigation by paid union organizers under *Contractor Services*

GC Memo 09-01 – Guideline Memorandum Concerning St. George Warehouse

OM Memo 08-54 – Grosvenor Orlando Associates, LTD., 350 NLRB No. 86

OM Memo 08-29 (CH) – Case Handling Instructions for Cases Involving Oil Capitol Sheet Metals, 349 NLRB No. 118 (May 31, 2007)
Attachment 1 and Attachment 2

OM Memo 07-59(CH) – Consolidating Compliance Issues with ULP Complaints – Expediting Casehandling in “Default” Cases

GC Memo 07-07 - Seeking Compound Interest on Board Monetary Remedies

OM Memo 06-52 – Reporting the Backpay and Interest Collected and Fees, Dues and Fines Refunded on the Closed Case Report (include interest calculations in settlements with backpay)

OM Memo 00-45 - Compliance Best Practices – Early Computation of Backpay

Bankruptcy

OM Memo 08-59 – Eliminating Notices of Pendency of Unfair Labor Practice Proceeding in Bankruptcy Cases

OM Memo 07-26 - Bankruptcy Proceedings Best Practices

OM Memo 03-66 - Bankruptcy Notices From Claims and Noticing Agents

GC Memo 97-03 - Bankruptcy Referrals to Headquarters’ Offices (discusses division of responsibilities of bankruptcy matters between Contempt and Special Litigation Branches)

OM Memo 97-60 - Guidelines for Applying Impact Analysis Where a Respondent Has Filed for Bankruptcy

Bar Licensing Status

Law clerks are given 14-month appointments within which they must not only pass the Bar, but also must be admitted. This 14-month period cannot be extended under any circumstances. Attorneys are required to be a member in good standing of a bar and maintain a license to practice law. Regional Directors are not on the Agency list of attorneys and are not subject to OPM's requirement to be licensed and authorized to practice law. For further discussion see the following IG Inspection Report – OIG-INS-18-01-01, Review of Bar Status.

E-mail from Anne Purcell, dated July 30, 1999, entitled “Confidential Memo Re: Law Clerks”

[REDACTED]

FOIA Ex. 2

Best Practices

OM Memo 12-57 (Revised) - Electronic Distribution Posting of Notices and Reading of Notices

ICG Memo 12-07 - Guide to Creating a Facebook Account

ICG Memo 12-03 – Revised Social Media Guidelines

OM Memo 08-63 – Strategies for Meeting Overarching Goals

OM Memo 07-26 – Bankruptcy Proceedings Best Practices

GC Memo 06-03 (Revised) - Mentoring Program and Best Practices Guide

OM Memo 06-47 - Best Practices for Increasing the Productivity and Job Satisfaction of Support Staff in Regional Offices

OM Memo 04-40 - Best Practices for Filing Briefs in Support of ALJ Decisions with the Board and Responding to Pleadings

OM Memo 04-27 - Best Practices Guide for NLRB Videoconferencing
Attachment
GC Memo 02-04 - Best Practice Compliance Case Report
OM Memo 00-45 - Compliance Best Practices - Early Computation of Backpay
GC Memo 99-06 - Best Practice C Case Report
OM Memo 99-69 - Best Practices for Expediting the Processing of Major Unfair Labor Practice Cases
GC Memo 98-01 - Representation Cases Best Practice Report
OM Memo 98-61 - Addendum to GC 98-1, Representation Cases Best Practice Report, Protocol to Expedite Processing of Election Petitions
OM Memo 98-12 - Placing Greater Emphasis on Compliance Issues During Initial Stages of Case Processing

Bilingual Employees

OM Memo 09-44 (CH) – Public Inquiries and Investigations Involving Non-English Speaking Witnesses
Management Writes article, August 2005 – “Career Development of Bilingual Employees”

Bridge Program

OM Memo 06-55 - Bridge Program for the Position of Field Examiner (gives a good overview of the program)
OM Memo 06-08 - Pre-Bridge Program for Non-Bargaining Unit Support Staff
OM Memo 06-07 - Pre-Bridge Program

Field Support Staff Collective Bargaining Agreement – Article 7, Section 5 (Article 7, Section 5(b) discusses pre-bridge program)

Briefs

OM Memo 98-58 - Extensions of Time to File Answer Briefs and Cross Exceptions

-C-

CATS

See NLRB SurfBoard

Case Files (Disposition of)

GC Memo 07-09 – Information and Guidance for Managing The Discovery of Electronically Stored Information – Attachment
OM Memo 07-64 – Impact of E-Discovery on Regional Offices

Related APPM Chapter

REC-2 - Records Management Program

REC-3 - Removal and Maintenance of Records

NLRB SurfBoard

<http://nlrbnet/RecordsMgt/Record%20Management/recordsindex.htm>

Ceilings

OM Memo 06-24 - Regional Office Ceiling and Calculations

OM Memo 05-34 - Regional Office Ceiling and Calculations

Cell Phones

See "Telecommunications"

Ceremonies

E-mail from Gloria Joseph, with attachments, dated June 23, 2006 entitled "Retirement Parties"
for discussion of both swearing-in and retirement ceremonies.

Child Care Subsidy Program

Field Professional Collective Bargaining Agreement – Article 38

Field Support Staff Collective Bargaining Agreement – Article 36

Child Care Subsidy Program Memo

Closed Case Report

OM Memo 06-52 - Reporting the Backpay and Interest Collected and Fees, Dues and Fines
Refunded on the Closed Case Report

Comp Time

See also "Time and Attendance" and "Travel Comp Time"

APC 07-01 – Changes to Regulations Governing Compensatory Leave

Memo entitled "Guidance on Leave Usage" which discusses authorization of comp time and
sequence in which various types of leave should be used. This memo is in
response to an IG Audit, OIG-AMR-47-05-04: Non-Standard Work Hours
Compensation

Step Three Answer that discusses APPM provision that employees must normally use comp time
leave before annual leave

Management Writes article, April 2005 – "Overtime – Clarifying the Rules" (employees who are
exempt from the overtime provisions of the Fair Labor Standards Act
(FLSA) may be offered overtime work with the condition that they will
receive comp time rather than overtime pay, although employees must
understand that they can decline the offer). See also Step Three Answer –
Support Staff Overtime (6/16/06)

Management Writes article, April 2003 – "ULP Dismissed in Region 19 Comp Time Case"

Management Writes article, July 2007 (p. 1) – "New Comp-Time Regulations"

Field Professional Collective Bargaining Agreement – Articles 14 and 21, Section 1

Field Support Staff Collective Bargaining Agreement – Articles 14 and 21, Section 1

Related APPM Chapter

PER-10 - Leave and Attendance

Complaints

OM Memo 11-31 – Consolidating Compliance Issues with ULP Complaints

OM Memo 05-79 - Electronic Submission of Complaints Pilot Program

OM Memo 98-12 - Placing Greater Emphasis on Compliance Issues During Initial Stages of Case Processing (includes discussion, inter alia, when it is appropriate to consolidate the compliance issues in the unfair labor practice proceeding)

Compliance

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling

OM Memo 12-57 (Revised) - Electronic Distribution Posting of Notices and Reading of Notices

OM Memo 11-61 - Financial Remedies and Other Settlement Terms Audit OIG-AMR-63

GC Memo 11-08 – Changes to the Methods Used to Calculate Backpay in Light of Kentucky River Medical Center and to Better Effectuate the Remedial Purposes of the Act

Attachment: Daily Compound Interest

GC Memo 11-07 - Guideline Memorandum Regarding Backpay Mitigation

OM Memo 11-31 – Consolidating Compliance Issues with ULP Complaints

OM Memo 09-58 (CH) – Confessions of Judgment

OM Memo 09-27 – Instructions for Protecting Information Pursuant to Oil Capitol Sheet Metal Compliance Investigations

OM Memo 09-16 – Mitigation by paid union organizers under *Contractor Services*

GC Memo 09-01 – Guideline Memorandum Concerning St. George Warehouse

GC Memo 08-06 – Report of Quality Committee on FY 2007 Quality Reviews

Attachment A, Attachment B, Attachment C, Attachment D and Attachment E

OM Memo 08-54 – Grosvenor Orlando Associates, LTD., 350 NLRB No. 86

OM Memo 08-47 – Issuance of Compliance Specifications and Conduct of Supplemental Hearings

OM Memo 08-29 (CH) – Case Handling Instructions for Cases Involving Oil Capitol Sheet Metals, 349 NLRB No. 118 (May 31, 2007)

Attachment 1 and Attachment 2

OM Memo 08-24 – Settlement of Unfair Labor Practice Cases Pending before the Board

OM Memo 07-59(CH) – Consolidating Compliance Issues with ULP Complaints – Expediting Casehandling in “Default” Cases

OM Memo 07-57(CH) – Addressing Requests to Introduce Newly Discovered Evidence or Evidence of Charged Circumstances Affecting Affirmative Remedial Orders of Reinstatement

OM Memo 06-82 - Electronic Notice-Posting

OM Memo 05-12 - Procedures for Enhancing Prompt Compliance with Board Orders and Court Judgments

OM Memo 03-70 - Monthly Compliance Situation Report and Compliance Overage Excuses

GC Memo 02-04 - Best Practice Compliance Case Report

OM Memo 00-45 - Compliance Best Practices - Early Computation of Backpay

GC Memo 98-04 - Impact Analysis for Compliance Cases

OM Memo 98-13 - Monthly Compliance Reports (instructions on preparation of the overage compliance reports)

OM Memo 98-12 - Placing Greater Emphasis on Compliance Issues During Initial Stages of Case Processing (includes discussion, inter alia, of factors to consider when evaluating whether early action should be initiated to preserve assets and when it is appropriate to consolidate the compliance issues in the unfair labor practice proceeding)

Compressed and Flexible Work Schedules

Field Professional Collective Bargaining Agreement – Article 21

Field Support Staff Collective Bargaining Agreement – Article 21

Computer/Electronic Accommodations Program (CAP Program)

See also “Americans with Disabilities Act”

Computer/Electronic Accommodations Program (CAP)

Management Writes article, July 2001 – CAP Partnership with NLRB

Continuity of Operations Planning (COOP)

See also “Emergency Evacuation Procedures”

Each Regional Office has developed a COOP (Continuity of Operations Plan) that sets forth a plan the office will follow in the event of a national, regional, or local emergency that results in the temporary disruption of services or closure of the office. Each office should have a copy of its COOP plan in its files and should update the plan annually.

Cooperative Education Program (Professional)

OM Memo 03-07 - Appraisals for Cooperative Education Students, Summer Student Assistants and Student Volunteers

OM Memo 00-56 - Undergraduate Cooperative Education Program Revisions

OM Memo 99-48 - Cooperative Education Program Revisions

OM Memo 97-15 - Cooperative Education Program

Cooperative Education Program (Support Staff)

OM Memo 03-94 - Support Staff Cooperative Education Program

Coordination of Cases

GC Memo 00-03 – Realignment of Responsibilities (includes general discussion of multi-Regional case coordination.)

Periodically, Operations-Management issues an updated OM Memo listing all cases being coordinated by Operations or a Regional Office. Included are cases against a charging party that

have been filed in several Regional Offices as well as cases involving issues that are being held in abeyance pending a Board decision.

Cost Savings

As necessitated by the Agency's budget, Operations-Management will issue memoranda setting forth specific cost savings measures to be undertaken by the Regional Offices. See e.g., OM Memo 06-99 – Casehandling Cost Saving Instructions for Fiscal Year 2007.

Credit Cards (Purchase Cards)

Citibank Purchase Charge Card Instructions (NLRB guidance)
<http://nlrbnet.nlr.gov/Profac/Procurement/Contracts/contracts.htm>

Credit Cards (Travel Cards)

Related NLRB Guidance
<http://nlrbnet.nlr.gov/Budget/Travel/travel.htm>
APC 08-04 NLRB Travel Guidance

-D-

Deferral

OM Memo 12-43 - Additional Guidance Concerning Collyer Deferral in Cases
GC Memo 12-01 - Guideline Memorandum Concerning Collyer Deferral Where Grievance-Resolution Process is Subject to Serious Delay
GC Memo 11-05 - Guideline Memorandum Concerning Derferral to Arbitral Awards and Grievance Settlements in Section 8(a)(1) and (3) cases
OM Memo 10-13 (CH) – Casehandling Regarding Application of Spielberg/Olin standards
OM Memo 08-74 (CH) – *Collyer* and *Dubo* Deferral of Blocking Charges
GC Memo 95-08 - Collection Cases
GC Memo 84-14 - Deferral Policy in Cases Where Only Some Allegations are Deferrable
GC Memo 84-10 - Guideline Memorandum Concerning *Olin Corporation*, 268 NLRB No. 86
GC Memo 84-5 - Guideline Memorandum Concerning *United Technologies Corporation*, 268 NLRB No. 83
GC Memo 81-39 - Deferral of Charges under *Dubo Manufacturing Company*, 142 NLRB 431
GC Memo 79-36 - Procedures for Application of the *Dubo* Policy to Pending Charges
GC Memo Unnumbered - Arbitration Deferral Policy Under *Collyer* – Revised Guidelines dated May 10, 1973

Deputy Regional Director

OM Memo 06-57 - Deputy Director Position Attachment 1 and Attachment 2

Demotions

OM Memo 06-20 - Voluntary Demotions in the Field Offices

Disciplinary Actions

Management Writes article, April 2012 – “Fatal Due Process Violation”

Field Professional Collective Bargaining Agreement – Article 18
Field Support Staff Collective Bargaining Agreement – Article 18

Discovery

OM Memo 10-48 – Revised Direction Regarding Litigation Holds
GC Memo 07-09 – Information and Guidance for Managing The Discovery of
Electronically Stored Information – Attachment
OM Memo 07-64 – Impact of E-Discovery on Regional Offices

-E-

E-Filing

OM Memo 09-48 – Revised Appeal Language – Attachment
OM Memo 09-34 – Changes to Electronic Filing of Documents Requirements – Attachment
OM Memo 07-07 - Expansion of the General Counsel's Policy for Electronically Filing
Casehandling Documents with Regional, Subregional or Resident Office

E-Mail

Memorandum of Understanding with respect to Use of Internet E-Mail, dated May 6, 2003

REC-5 - Agency E-mail Records Retention Policy
APC 99-03 Use of Agency Telecommunication Resources

EAJA

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling
OM Memo 06-54 - Report of Quality Committee on FY 2005 Quality Reviews (includes sample
EAJA letters) Attachment
OM Memo 97-78 - Information on EAJA Cases (reports to be submitted in EAJA cases)

EEO

Management Writes article, January 2005 – “Guidance for Managers and Supervisors When
Navigating the EEO Process”
Management Writes article, January 2005 – “Official Time for EEO Complaints”
Management Writes article, April 2004 – “Managing EEO Complaints”

Election and Election Agreements

OM Memo 12-50 - Guideline Memorandum for Evaluating Location of Rerun Elections
GC Memo 12-04 - Guidance Memorandum on Representation Case Procedure Changes
OM Memo 08-28 – Display of the American Flag at NLRB Representation Elections
Attachment A Attachment B Attachment C
OM Memo 05-40 (Revised) - New "Full" Consent Election Agreement Procedure Attachment
Consent Pamphlet
OM Memo 01-24 - Construction Industry Election Agreement (eligibility formula)

Emergency Dismissal and Closure Procedures

Each year the Human Resources Branch issues an AB that provides guidance in those situations that prevent a significant number of employees from reporting to work on time or which require closure of all or part of Agency activities. Situations where this may occur include adverse weather conditions (snow emergencies, severe icing conditions, floods, and hurricanes), natural disasters, and other disruptions of our operations (air pollution, disruption of power, and/or interruption of public transportation, etc.). The local FEB may provide guidance as to whether to close or curtail operations. The RD can access the local FEB website or www.feb.gov. In the alternative, the RD may wish to contact the local FEB for guidance. The final decision to close, however, generally resides with the RD and if there is a decision to close Operations-Management should be notified. However, in unusual circumstances (e.g., mass demonstration), the RD should consult with Operations-Management prior to any decision to close the office. See the AB/APC page of the NLRB SurfBoard for the latest issuance (AB). See also Field Professional and Support Staff Collective Bargaining Agreements (Article 14, Section 4).

Emergency Evacuation Procedures

See also “Continuity of Operations Planning (COOP)”

The Occupant Emergency Program for the Field is available at http://nlrbnet/DOA/Services/Emergency%20Evac/emergency_Evac.htm

Another resource for emergency planning information is <http://www.ready.gov> (Department of Homeland Security).

Employee Assistance Program (EAP)

All Federal agencies provide Employee Assistance Programs (EAP) for employees. Basic EAP services include free, voluntary, short-term confidential counseling and referral for various issues affecting employee mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, and psychological disorders. EAP counselors also work in a consultative role with managers and supervisors to help address employee and organizational challenges and needs. Many EAPs are active in helping organizations prevent and cope with workplace violence, trauma, and other emergency response situations.

Field Professional Collective Bargaining Agreement – [Article 30](#)
Field Support Staff Collective Bargaining Agreement – [Article 30](#)

Related APPM Chapter
[PER-2 Employee Assistance Program](#)

At the NLRB, EAP services are handled by the Employee Relations Section, Human Resources Branch. Click on the link below for your office's Employee Relations Point of Contact.

[HR Contact List](#)

OPM Web Site
http://www.opm.gov/Employment_and_Benefits/worklife/healthwellness/EAP/

For information or assistance 24 hours a day, 7 days a week call 1-800-222-0364, Federal Occupational Health, Public Health Assistance

Employee Recognition Program

See "Awards"

Ethics

See "Attorney-Client Privilege"

See "Skip Counsel"

Ethics #4, 2012: The Hatch Act & Campaigning

Ethics Advisory: The Hatch Act and Social Media – Part 2 Memo OSC Q&A's

Ethics #1, 2010 – Hatch Act Reminder

Ethics #4, 2009 – Gifts

Ethics #3, 2009 – Tips for Filing Your Financial Disclosure Report

Ethics #2, 2009 – Outside Employment and Outside Activities

Ethics #1, 2009 – Widely-Attended Gatherings

Ethics #1, 2008 – New Post-employment Regulations

Ethics #4, 2007 – Speaking Engagements

Ethics #3, 2007 – Training-Attending in an Official versus a Personal Capacity

Ethics #2, 2007 – Service With Non-Federal Organizations

Ethics #1, 2007 – Hatch Act and Political E-mails

Ethics #6, 2006 – Conflict of Interest Statutes 18 USC 203 and 205

Ethics #5, 2006 – Outside Business and Personal Relationships

Ethics #4, 2006 – Gifts from Outside Sources Giving of Gifts Between Employees

Ethics #3, 2006 – Hatch Act

Ethics #2, 2006 – Conflicting Financial Interests

Ethics #1, 2006 – Ethics Advisory Message regarding Outside Writing as Outside Employment
E-mail from Gloria Joseph, with attachments, dated June 23, 2006 entitled "Retirement Parties"
for discussion of both swearing-in and retirement ceremonies.

The Director of Administration serves as the NLRB's Designated Agency Ethics Official (DAEO) with the Deputy Director serving as the Alternate DAEO. There is also an Ethics Program Officer who is available as a resource for ethics questions and information.

The following is the link to the Ethics page located on the NLRB SurfBoard.

<http://nlrbnet.nlr.gov/doa/Services/Ethics/ethics.htm>

Resource materials on the SurfBoard include copies of the Government's ethics rules and regulations, including the Standards of Conduct for employees of the executive branch; employee guides; links to financial disclosure report forms; post-employment information; travel issues and forms; and Q&A's developed by the DAEO's office covering a variety of ethics issues including post-employment, gifts and widely-attended gatherings, gifts between employees; travel reimbursements, and seeking employment.

Another source for information regarding employee ethics and financial disclosure is the Office of Government Ethics (www.usoge.gov).

NOTE: Ethics issues related to casehandling are discussed in the unfair labor practice manual.

-F-

Facilities and Space Management

IG Inspection Report No. OIG-INS-11-00-09, Review of Handicap Access

Field Professional Collective Bargaining Agreement – Article 20

Field Support Staff Collective Bargaining Agreement – Article 20

NLRB SurfBoard

http://nlrbnet.nlr.gov/Profac/Procurement/space_management_section.htm

Family and Medical Leave Act (FMLA)

Management Writes article, April 2012 – “Employee Leave under the Provisions of the Rehabilitation Act/ADA Amendments Act and the Family and Medical Leave Act”

Related APPM Chapter

Leave and Attendance

Field Professional Collective Bargaining Agreement – Article 14, Section 3

Field Support Staff Collective Bargaining Agreement – Article 14, Section 3

OPM

<http://www.opm.gov/oca/leave/HTML/fmlafac2.asp>

Forms

Form WH-380 "Certification of Health Care Provider, Family and Medical Leave Act of 1993"

<http://nlrbnet.nlr.gov/Personnel/forms/leave/fmla.pdf>

Federal Career Intern Program

OM Memo 01-59 - Federal Career Intern Field Examiner Program

Memorandum of Understanding regarding Federal Career Intern Program, dated April 2001

Related NLRB Guidance

APC 02-01 Federal Career Intern Program for NLRB

Federal Employees Compensation Act (FECA)

See “Workers’ Compensation Claims”

Federal Personnel Payroll System (FPPS)

The NLRB uses the Federal Personnel Payroll System (FPPS), operated by the National Business Center (NBC) of the Department of the Interior. The system is customer-driven, generating the full life cycle of personnel transactions, enabling agencies to electronically track the status of Requests for Personnel Action (SF-52's), as well as containing an automated Time & Attendance (T&A) system. FPPS contains current information relating to pay, leave, employment status and statistical information needed to prepare personnel and payroll reports. Agency timekeepers transmit T&A records directly to NBC on a biweekly basis.

FPPS can be accessed through:

<http://nlrbnet.nlr.gov/Personnel/SystemConversion/PayrollPersonnel.htm>

OM Memo 06-50 - FPPS Procedural Change

Field Examiner-Conversion

OM Memo 11-55 – Conversion of Field Examiners to the Field Attorney Position

Flexible Work Schedules

Field Professional Collective Bargaining Agreement – Article 21

Field Support Staff Collective Bargaining Agreement – Article 21

FOIA

OM Memo 09-27 – Instructions for Protecting Information Pursuant to Oil Capitol Sheet Metal Compliance Investigations

OM Memo 09-10 – Procedures for Obtaining and Conducting FOIA Review of Confidential Witness Affidavits, Confidential and Non-Confidential Questionnaires, and Non-Board Witness Statements
Attachment 1 – Attachment 2

OM Memo 08-51 – Continuing Requests for Documents under the FOIA

OM Memo 05-78 - Extensions of Time for FOIA Responses and Requests for Commerce Questionnaires

Note: When it appears that a FOIA request has nationwide implications, the Region should contact the Legal Research and Policy Planning Branch of the Division of Advice

-G-

Government Purchase Cards

See “Credit Cards (Purchase Cards)”

Government Travel Charge Cards

See “Credit Cards (Travel Cards)”

Grievance Procedures

Field Professional Collective Bargaining Agreement – Article 15

Field Support Staff Collective Bargaining Agreement – Article 15

Related APPM Chapter

PER-7 Grievance Procedure (excludes, inter alia, matters covered by a collective bargaining agreement)

Merit Systems Protection Board

<http://www.mspb.gov/>

Equal Employment Opportunity Commission

<http://www.eeoc.gov/>

Federal Labor Relations Authority

<http://www.flra.gov/>

GSA Vehicles

OM Memo 07-54 – Best Practices for Usage of GSA Vehicles

OM Memo 05-04 - Oversight and Management of the Usage of POV and Leased Vehicles

OM Memo 03-98 - Utilization of Government Leased Vehicles

IG Audit Report No. OIG-AMR-38-03-01, Audit of Agency Leased Vehicles

Guideline Memos

Common to All Cases - Procedure

ICG Memo 12-09 - Recent Legislation Affecting HIPAA's Scope and Criminal Liability Provisions

ICG Memo 12-07 - Guide to Creating a Facebook Account

ICG Memo 12-03 – Revised Social Media Guidelines

GC Memo 09-02 – New Federal Rules Protecting Personal Identification Information in Court Filings

OM Memo 08-34 – HIPAA Subpoena Procedures and Revised HIPAA Authorization Forms

GC Memo 07-09 – Information and Guidance for Managing The Discovery of Electronically Stored Information – Attachment

OM Memo 07-64 – Impact of E-Discovery on Regional Offices

OM Memo 07-60(CH) – HIPAA Disclosure Procedures and Interviews of Health Care Providers

GC Memo 94-14 - Section 102.118 Delegation

OM Memo 90-83 - Preparation of Jurisdictional Referrals to the National Mediation Board

Common to All Cases - Substantive Law

OM Memo 07-69(CH) – Casehandling Guidance Under Truserv Corp.
349 NLRB No. 23 (2007)

GC Memo 07-05 – Guideline Memorandum Concerning Oakwood Healthcare, Inc.,

OM Memo 04-83 - Casehandling Instructions for Cases in which the Status of a
Collective-Bargaining Relationship in the Construction Industry is in
Issue

OM Memo 04-09 - Evidentiary Guidelines for Determining Supervisory Status
(Attachment: Brief of the General Counsel)

OM Memo 99-44 - Guideline Memorandum on Charge Nurse Supervisory Issues

Remedies/Compliance

OM Memo 12-57 (Revised) - Electronic Distribution Posting of Notices and Reading of
Notices

OM Memo 11-61 - Financial Remedies and Other Settlement Terms Audit OIG-AMR-63

GC Memo 11-08 – Changes to the Methods Used to Calculate Backpay in Light of
Kentucky River Medical Center and to Better Effectuate the Remedial
Purposes of the Act

Attachment: Daily Compound Interest

GC Memo 11-07 - Guideline Memorandum Regarding Backpay Mitigation

GC Memo 11-06 – First Contract Bargaining Cases: Regional Authorization to Seek
Additional Remedies and Submissions to Division of Advice

OM Memo 11-31 – Consolidating Compliance Issues with ULP Complaints

OM Memo 09-58 (CH) – Confessions of Judgment

OM Memo 09-27 – Instructions for Protecting Information Pursuant to Oil Capitol Sheet
Metal Compliance Investigations

OM Memo 09-16 – Mitigation by paid union organizers under *Contractor Services*

GC Memo 09-01 – Guideline Memorandum Concerning St. George Warehouse

OM Memo 08-47 – Issuance of Compliance Specifications and Conduct of Supplemental
Hearings

OM Memo 08-29 (CH) – Case Handling Instructions for Cases Involving Oil Capitol
Sheet Metals, 349 NLRB No. 118 (May 31, 2007)

Attachment 1 and Attachment 2

GC Memo 07-08 - Additional Remedies in First Contract Bargaining Cases

GC Memo 07-07 - Seeking Compound Interest on Board Monetary Remedies

OM Memo 07-57 - (CH) Addressing Requests to Introduce Newly Discovered Evidence
or Evidence of Charged Circumstances Affecting Affirmative
Remedial Orders of Reinstatement

OM Memo 07-27 – Non-Board Settlements

OM Memo 06-82 - Electronic Notice-Posting

OM Memo 03-66 - Bankruptcy Notices From Claims and Noticing Agents

OM Memo 02-43 – Plain Language in Board Remedial Notices

GC Memo 02-06 - Procedures and Remedies for Discriminatees Who May Be
Undocumented Aliens after *Hoffman Plastics Compounds, Inc.*

Representation Cases – Procedure

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling
OM Memo 12-50 - Guideline Memorandum for Evaluating Location of Rerun Elections
GC Memo 12-04 - Guidance Memorandum on Representation Case Procedure Changes
OM Memo 11-42 (CH) - Video Testimony in Representation and Unfair Labor Practice Casehandling
OM Memo 08-74 (CH) – *Collyer and Dubo* Deferral of Blocking Charges
OM Memo 08-07 – Dana Corp., 351 NLRB No. 28 (September 29, 2007) Attachment

OM Memo 07-69(CH) – Casehandling Guidance Under Truserv Corp. 349 NLRB No. 23 (2007)
OM Memo 05-20 - Casehandling Guidance under *Saint Gobain Abrasives, Inc.*, 342 NLRB No. 39 (July 8, 2004)
OM Memo 04-26 - Administrative Investigations vis-a-vis Hearings in Post-Election Proceedings
OM Memo 01-24 - Construction Industry Election Agreement (eligibility formula)
OM Memo 02-87 - *Croft Metals, Inc.* (formal notice of hearing giving the parties at least 5 working days notice of the hearing)

Representation Cases – Substantive Law

Unfair Labor Practice Cases – Procedure

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling
OM Memo 12-57 (Revised) - Electronic Distribution Posting of Notices and Reading of Notices
ICG Memo 12-07 - Guide to Creating a Facebook Account
OM Memo 12-43 - Additional Guidance Concerning Collyer Deferral in Cases
ICG Memo 12-04 – Suggested Procedures When Filing Materials with the Solicitor’s Office
ICG Memo 12-03 – Revised Social Media Guidelines
GC Memo 12-01 - Guideline Memorandum Concerning Collyer Deferral Where Grievance-Resolution Process is Subject to Serious Delay
ICG Memo 11-01 - ICE Memorandum on the Use of Prosecutorial Discretion Attachment 1 Attachment 2
OM Memo 11-62 - Updated Procedures in Addressing Immigration Status Issues that Arise During NLRB Proceedings
OM Memo 11-61 - Financial Remedies and Other Settlement Terms Audit OIG-AMR-63
OM Memo 11-42 (CH) - Video Testimony in Representation and Unfair Labor Practice Casehandling
OM Memo 11-31 – Consolidating Compliance Issues with ULP Complaints
GC Memo 11-05 - Guideline Memorandum Concerning Derferral to Arbitral Awards and Grievance Settlements in Section 8(a)(1) and (3) cases
OM Memo 09-44 (CH) – Public Inquiries and Investigations Involving Non-English Speaking Witnesses
OM Memo 09-33(CH) – ADR Program for USPS Weingarten Case Supplement Attachment

OM Memo 09-10 – Procedures for Obtaining and Conducting FOIA Review of Confidential Witness Affidavits, Confidential and Non-Confidential Questionnaires, and Non-Board Witness Statements
Attachment 1 – Attachment 2

OM Memo 08-43 (CH) (Revised) – Pilot Program for United States Postal Service Weingarten Cases – Attachment A - Attachment B

GC Memo 07-05 - (Revised) - Update GC Memorandum 06-09: The General Counsel's Burden under *Wright Line*

GC Memo 06-09 - (Revised) - The General Counsel's Burden under *Wright Line*

OM Memo 03-18 (Revised) - Procedures for Handling Postal Service Cases Involving Refusal to Supply Information and Procedures for Addressing Conduct Covered by Outstanding Court Judgments

OM Memo 01-33 - Timely Processing of Section 10(j) Case When Multiple Related Charges are Filed

OM Memo 99-69 - Best Practices for Expediting the Processing of Major Unfair Labor Practice Cases

OM Memo 97-50 - *Makro, Inc. and Renaissance Properties d/b/a Loehmann's Plaza*, 305 NLRB 663 (1991) (preemption notice)

OM Memo 96-48 - Recent Developments Related to *Jefferson Chemical Co.* and *Peyton Packing Co.* Issues

GC Memo 95-08 - Collection Cases

OM Memo 95-34 - Litigation of Multiple Charges Against the Same Respondent

GC Memo 91-09 - Guideline Memorandum Concerning *Dubuque Packing Co., Inc.*, 303 NLRB No. 66

GC Memo 02-06 - Procedures and Remedies for Discriminatees Who May Be Undocumented Aliens after *Hoffman Plastics Compounds, Inc.*

Unfair Labor Practice Cases - Substantive Law

GC Memo 11-13 - Guideline Memorandum Concerning Parties' obligation to provide information related to Assertions made in Collective Bargaining

GC Memo 09-04 – Guideline Memorandum Concerning Withdrawal of Recognition Based on Loss of Majority Support

GC Memo 08-10 – Guideline Memorandum Concerning Unfair Labor Practice Charges Involving Political Advocacy

GC Memo 08-07 – Report on Case Developments (*The Register Guard*, 351 NLRB No. 70 (2007))

GC Memo 08-04(Revised) – Guideline Memorandum concerning Toering Electric Company

GC Memo 08-02 – Guideline Memorandum concerning BE & K Construction Co., 351 NLRB No. 29 (September 29, 2007)

GC Memo 07-05 (Revised) - Update GC Memorandum 06-09: The General Counsel's Burden under *Wright Line*

GC Memo 06-09 (Revised) - The General Counsel's Burden under *Wright Line*

OM Memo 04-65 - Levitz-type Withdrawal of Recognition Cases

- OM Memo 03-96 - Charges under Beck Alleging as Unlawful a Union's Requirement that Objecting Employees Annually Renew their Objections
- GC Memo 02-09 - Case Handling Instructions for Cases Concerning *Bill Johnson's Restaurants and BE&K Construction Co.*
- GC Memo 02-01 - Guideline Memorandum Concerning *Levitz*
- GC Memo 01-04 - Guidelines for Response to *Beck*-Related Public Inquiries
- OM Memo 01-61 - Revised Reference Guide Attached to GC Memo 01-04 "Guidelines for Response to *Beck*-Related Public Inquiries" dated 4/06/01
Attachment Revised Beck Notices
- GC Memo 99-08 - Guideline Memorandum Concerning *Gissel*
- GC Memo 98-11 - Guidelines Concerning Processing of *Beck* Cases
- GC Memo 93-4 - Guideline Memorandum Concerning *Electromation, Inc.*, 309 NLRB No. 163
- GC Memo 92-9 - Americans With Disabilities Act, 42 U.S.C. 12101, et seq. (interrelationship between Americans With Disabilities Act and NLRA)
- GC Memo 91-9 - Guideline Memorandum Concerning *Dubuque Packing Co., Inc.*, 303 NLRB No. 66

-H-

Handicap Access

IG Inspection Report No. OIG-INS-11-00-09, Review of Handicap Access

Hatch Act

See also "Ethics"

Ethics #4, 2012: The Hatch Act & Campaigning

Ethics Advisory: The Hatch Act and Social Media – Part 2 Memo OSC Q&A's
Social Media and the Hatch Act

Ethics Advisory Message #1 Hatch Act Reminder (2010)

Ethics Advisory Message #1 Hatch Act and Political E-mails (2007)

Ethics Advisory Message #3 Hatch Act (2006)

Hatch Act Advisory Message #6 (2004)

Hatch Act Advisory Message #5 (2004)

Hatch Act Advisory Message #4 (2004)

Hatch Act Advisory Message #3 (2004)

Hatch Act Advisory Message #2 (2004)

Hatch Act Advisory Message #1 (2004)

AB 00-26 Hatch Act

"Political Activity and the Federal Employee"- Office of Special Counsel Booklet

Hearings

OM Memo 03-84 - Administrative Law Judges Serving as Hearing Officers in Post-Election Hearings

OM Memo 98-75 - Administrative Issues Related to Trials

Headquarters Oversight and Submissions

See "Reports"

Hiring

Revised Protocol on Field Personnel Actions

Management Writes article, April 2012 – "Workforce Recruitment Program"

OM Memo 09-29 – Interviewing Support Staff Applicants and Reference Checks

OM Memo 08-40 – New Recruitment and Retention Tool: College Cost Reduction and Access Act of 2007

OM Memo 06-83 – Procedures for Field Examiner Recruitment; Lists of Colleges, Universities and Institutions; and Sample Recruitment Documents

Attachment 1 – Attachment 2 – Attachment 3 – Attachment 4 – Attachment 5
Attachment 6 – Attachment 7 – Attachment 8 – Attachment 9
Attachment 10

OM Memo 06-41 – Pre-Employment Reference Checks for Attorney and Field Examiner Positions

OM Memo 02-31 – Interviewing Applicants for Employment – Attachment 1 – Attachment 2

OM Memo 02-07 – Report of the Field Recruitment and Hiring Committee – Attachment

OM Memo 01-59 – Federal Career Intern Field Examiner Program

OM Memo 00-16 – Benefits Summary (benefits available to Agency employees)

OM Memo 00-12 – Recruitment and Hiring of Attorneys – Attachment

OM Memo 00-11 – Recruitment and Hiring of Field Examiners

OM Memo 99-46 – Entry Level Support Staff Hiring

OM Memo 99-45 – Senior Community Service Employment Program (SCSEP) (although this memorandum states that this is a pilot program, the program is still in effect)

OM Memo 98-30 – Student Volunteer Service Program

OM Memo 97-42 – Recruitment and Hiring of Field Examiners

Note: Article 7, Section 6 of the field Support Staff Collective Bargaining Agreement provides that all employees in the Region will be notified when the Agency intends to post a Field Examiner vacancy in that Region.

Management Writes article, October 2007 – "Field Office Hiring Procedures"

Management Writes article, January 2006 – "Importance of Checking Employment References"

Management Writes article, April 2003 – "Probationary Employee – Maybe Not"

Human Resources Management

The Human Resources Branch has a Web Page on the NLRB SurfBoard

(<http://nlrbnet.nlr.gov/Personnel/default.htm>) that offers information on a variety of Federal personnel issues.

Human Resources Points of Contact by Organization

Click on the following link to find the Human Resources Points of Contact for your office:

[HR Contact List](#)

-I-

Immigration

[ICG Memo 11-01](#) - ICE Memorandum on the Use of Prosecutorial Discretion

[Attachment 1](#) [Attachment 2](#)

[OM Memo 11-62](#) - Updated Procedures in Addressing Immigration Status Issues that Arise During NLRB Proceedings

[GC Memo 02-06](#) - Procedures and Remedies for Discriminatees Who May Be Undocumented Aliens after Hoffman Plastics Compounds, Inc.

[OM Memo 97-11](#) - Relations with Immigration and Naturalization Service (INS) of the U.S. Department of Justice

Impact Analysis

[GC Memo 02-02](#) - Impact Analysis Program Modifications

[OM Memo 99-75](#) - Lightening the Load – Alternative Investigative Techniques

[GC Memo 98-04](#) - Impact Analysis for Compliance Cases

[OM Memo 97-60](#) - Guidelines for Applying Impact Analysis Where a Respondent Has Filed for Bankruptcy

[OM Memo 96-21](#) - Impact Analysis and Sections 10(l) and (m)

[GC Memo 95-15](#) - Lightening the Regional Office Workload

[GC Memo 94-08](#) - Telephone Affidavits

Impact Analysis: [Categorizing Cases in the Regional Offices – November 1995](#)

Impact Analysis: [Training Manual – November 1995](#)

Information Officer Program

[OM Memo 03-17](#) - Public Information Program

Information Requests (NLRBU)

[Management Writes article, July 2001](#) – “Responding to Union Information Requests”

Injury

See “Workers’ Compensation Claims”

Inspector General

[Management Writes article, September 2003](#) – “When an Investigator from the OIG Comes Calling” (rights and responsibilities of employees)

[Management Writes article, December 2001](#) – “Weingarten Rights During Criminal Investigations”

See Section 100.201 of the Board's Rules and Regulations regarding an employee's obligation to cooperate with any audit or investigation conducted by any Agency official.

Inter-Agency Cooperation

OM Memo 97-11 - Relations with Immigration and Naturalization Service (INS) of the U.S. Department of Justice

OM Memo 90-83 - Preparation of Jurisdictional Referrals to the National Mediation Board

GC Memo 80-10 - Memorandum of Understanding with the Mine Safety and Health Administration (MSHA), U.S. Department of Labor, Concerning Cases Arising Under Section 105(c) of the Mine Act

GC Memo 79-04 - Memorandum of Understanding with the Department of Labor Concerning Cases Arising Under Section 11(c) of the OSH Act

GC Memo 78-69 - Coordination with the Wage and Hour Division of the U.S. Department of Labor on Deferred Cases

GC Memo 75-29 - Memorandum of Understanding with the Department of Labor Concerning Cases Arising Under Section 11(c) of the OSH Act

Internet

Memorandum of Understanding regarding Internet Access, dated January 1999

APC 99-03 Use of Agency Telecommunication Resources

Interregional Assistance Program

OM Memo 03-77 - Interregional Assistance in R Case Matters

OM Memo 98-05 - Interregional Assistance (discusses procedures for both traditional transfer of cases and temporary adjustment of boundaries)

OM Memo 96-26 - Agreement Concerning Interregional Casehandling Assistance

Interpreters

OM Memo 06-49 - Interpreters at Hearings

OM Memo 90-81 - Interpreters at Representation and Unfair Labor Practice Hearings (extent to which Agency obtains and pays for interpreters)

Investigation of Misconduct

Management Writes article, November 2008 – “Conducting Investigations Involving Alleged Misconduct”

Management Writes article, September 2003 – “When an Investigator from the OIG Comes Calling” (rights and responsibilities of employees)

Management Writes article, December 2001 – “Weingarten Rights During Criminal Investigations”

See Section 100.201 of the Board's Rules and Regulations regarding an employee's obligation to cooperate with any audit or investigation conducted by any Agency official

Field Professional Collective Bargaining Agreement – Article 4, Section 11 (when employee has right to representation)

Field Professional Collective Bargaining Agreement – Article 4, Section 12 (rights of employees who are witnesses in an administrative investigation)

Field Support Staff Collective Bargaining Agreement – Article 4, Section 11 (when employee has right to representation)

Field Support Staff Collective Bargaining Agreement – Article 4, Section 12 (rights of employees who are witnesses in an administrative investigation)

-J-

(none)

-K-

(none)

-L-

Labor Relations

Management Writes article, April 2012 – “Fatal Due Process Violation”

Management Writes article, April 2012 – “Employee Leave under the Provisions of the Rehabilitation Act/ADA Amendments Act and the Family and Medical Leave Act”

Management Writes article, December 2011 – “Investigations into Employee Misconduct

Management Writes article, January 2010 – “Grievance Resolution and Formal Discussions”

OM Memo 07-83 – NLRBU Buttons and Posters

OM Memo 01-59 – Federal Career Intern Field Examiner Program

OM Memo 96-13 – Memorandum of Understanding between the General Counsel and the National Labor Relations Board Union (NLRBU) Regarding GS-13 Field Examiners Drafting Complaints and Decisions and Directions of Election

OM Memo 96-26 - Agreement Concerning Interregional Casehandling Assistance

OM Memo 88-73 - FLRA Decision on Union Button Policy

OM Memo 88-45 - Wearing of Union Insignia

Step Three Answer that discusses political postings in public areas of our offices (although the grievance settled, the Step Three Answer continues to be Agency policy)

Memorandum of Understanding regarding Changes to 2002 Field Contracts, dated January 2003

Management Writes article, May 2009 – “Performance Meeting: No Right to Union Representation”

Management Writes article, October 2007 – “Monitoring Official Time”

Management Writes article, December 2006 – “Speech Can Be Restricted in the Government Workplace”

Management Writes article, December 2006 – “Having a Hard Conversation” (discusses practical steps to take before having a conversation with an employee on a difficult topic, such as poor performance)

Management Writes article, August 2005 – “Career Development of Bilingual Employees”

Management Writes article, January 2005 – “No-Cost Transfers and Compelling Personal Hardship”

Management Writes article, August 2004 – “Reminder from Special Counsel” (discusses requirement to cooperate in an administrative investigation of suspected misconduct)

Management Writes article, April 2004 – “Don’t Get Trapped by an Employee’s Misdeeds” (discusses ramifications of failure to discover or correct employee misconduct and steps to avoid such a situation)

Management Writes article, December 2003 – “Significant Grievance Settlement” (the key element for promotion is whether employees have “demonstrated their ability to perform the work of the next higher grade level” (see Article 8 of the collective bargaining agreements) and an extended period of LWOP can be considered in making this determination)

Management Writes article, April 2003 – “ULP Dismissed in Region 19 Comp Time Case” (an agency that implements a change in order to correct an unlawful practice is only obligated to bargain *after* implementation over the impact of the change)

Management Writes article, April 2003 – “FLRA to Union: National Agreement Controls” (FLRA holds that local bargaining not required when Regional management changed a local arrangement to conform it to the national contract)

Management Writes article, June 2002 – “Arbitration Reporting Costs”

Management Writes article, July 2001 – “Guidance on Meetings with Employees” (discusses when the union has the right to receive advance notice of, and to participate in, a meeting with one or more unit employees)

Management Writes article, July 2001 – “Responding to Union Information Requests”

Personal Digital Assistant (PDA) Policy, dated October 18, 2006

NLRBU Field Contracts

- Professional
- Support Staff

Federal Labor-Management Relations Statute enforced by FLRA

Labor Statute

Leave and Attendance

With supervisory approval, employees may take annual leave for vacations or personal emergencies. The Regional Director may approve advanced annual leave not to exceed the annual leave that the employee will earn through the end of the current leave year. Sick leave is for illness, injury, medical examinations for self or, in certain circumstances, a family member, adoption, or for the death of a family member. The Regional Director may approve up to 40 hours of advance sick leave and up to 30 calendar days of leave without pay during a leave year. Approval of additional advance sick leave or leave without pay must be approved by Operations-Management.

Revised Protocol on Field Personnel Actions

Management Writes article, April 2012 – “Employee Leave under the Provisions of the Rehabilitation Act/ADA Amendments Act and the Family and Medical Leave Act”

OM Memo Unnumbered – Time and Attendance Procedures for Regional Directors

Memo entitled “Guidance on Leave Usage” which discusses authorization of comp time and sequence in which various types of leave should be used. This memo is in response to an IG Audit, OIG-AMR-47-05-04: Non-Standard Work Hours Compensation.

Step Three Answer – Annual Leave Forfeiture Memo (12/08/05) (discusses APPM provision that employees must normally use comp time leave before annual leave)

Memo from 2003 Regional Director’s Conference – Managing Leave and Leave Abuse
Management Writes article, September 2003 – “Use-or-Lose Annual Leave – Last Gasp of Summer”

Field Professional Collective Bargaining Agreement – Article 14

Field Support Staff Collective Bargaining Agreement – Article 14

Related APPM Chapter

Administrative Policies & Procedures Manual (Leave & Attendance)

APC 09-01 – Use of Advanced Sick Leave for Family Care, Bereavement Purposes, and Self

APC 06-01 – Changes to Regulations Governing Sick Leave

OPM

Leave and Attendance

<http://www.opm.gov/oca/leave/index.asp>

Leave Donation Program

Related APPM Chapter

Administrative Policies & Procedures Manual (Leave & Attendance)

OPM

<http://www.opm.gov/oca/leave/HTML/vltpregs.htm>

Legal Writing

OM Memo 03-65 - The Mentoring Component of the Field Legal Writing Program

Lightening the Load

OM Memo 99-75 - Lightening the Load – Alternative Investigative Techniques

GC Memo 95-15 - Lightening the Regional Office Workload

GC Memo 94-08 - Telephone Affidavits

Litigation

ICG Memo 12-04 – Suggested Procedures When Filing Materials with the Solicitor’s Office

ICG Memo 12-02 - FY 2010 Quality Committee Litigation Memo

OM Memo 11-42 (CH) - Video Testimony in Representation and Unfair Labor Practice
Casehandling

OM Memo 11-31 – Consolidating Compliance Issues with ULP Complaints

OM Memo 11-05 - Quality Committee's Report on Selected FY 2009 Litigation Wins
and Losses

GC Memo 09-02 – New Federal Rules Protecting Personal Identification Information in
Court Filings

OM Memo 08-24 – Settlement of Unfair Labor Practice Cases Pending before the Board

OM Memo 07-84 – Quality Committee’s Report on FY 2006 Litigation Losses

OM Memo 07-59(CH) – Consolidating Compliance Issues with ULP Complaints – Expediting
Casehandling in “Default” Cases

OM Memo 07-57(CH) – Addressing Requests to Introduce Newly Discovered Evidence or
Evidence of Charged Circumstances Affecting Affirmative Remedial
Orders of Reinstatement

GC Memo 06-07 - Procedural Initiatives in Election Cases (discusses expediting technical
8(a)(5) cases after Board decision)

OM Memo 06-91 - Quality Committee's Report on FY 2005 Litigation Losses

OM Memo 06-16 - Quality Committee Report on FY 2004's Litigation Losses-Credibility

OM Memo 05-79 - Electronic Submission of Complaints Pilot Program

OM Memo 05-46 - Litigation Success Rate and Significant Litigation Losses

OM Memo 05-38 - Report of the Quality Committee on FY 2003's Litigation Losses and
Recommendations to Maintain High Quality Litigation

OM Memo 04-40 - Best Practices for Filing Briefs in Support of ALJ Decisions with the Board
and Responding to Pleadings

OM Memo 99-69 - Best Practices for Expediting the Processing of Major Unfair Labor Practice
Cases

-M-

Media

GC Memo 10-02 - Press Release Policy

GC Memo 94-12 - Press Relations

GC Memo 94-04 - Authority for Press Releases

GC Memo 82-32 - Subpoenas Issued to Members of the Press

Medical Records

ICG Memo 12-09 - Recent Legislation Affecting HIPAA's Scope and Criminal Liability
Provisions

OM Memo 08-34 – HIPPA Subpoena Procedures and Revised HIPPA Authorization Forms

OM Memo 07-60(CH) – HIPAA Disclosure Procedures and Interviews of Health Care Providers

Management Writes article, March 2008 – “A Requirement: Keeping Medical Information Confidential”

Management Writes article, September 2003 – “Why Can’t I Look at that Physician’s Letter?”
(physician’s letter must be maintained in a separate medical folder rather than in a non-medical work file of an Agency employee)

Mentoring Program

GC Memo 07-10 (Revised) – Revisions to the General Counsel Mentoring Program’s Policy Guidelines and Best Practices Guide

Memorandum dated December 4, 2006 from Richard A. Siegel entitled “Mentoring Program”
(discusses integrating the Field mentoring program with the new Agency-wide program)

GC Memo 06-03 (Revised) - Mentoring Program and Best Practices Guide

OM Memo 03-65 - The Mentoring Component of the Field Legal Writing Program

Merit Dismissals

GC Memo 02-08 - Revised Procedure for Merit Dismissals

OM Memo 02-15 - Merit Dismissal Letters

Merit Promotion

See “Promotion”

Mid-Term Progress Review

Mid-term progress reviews are to be given to all employees between the 6th and 8th month of their appraisal period. These progress reviews are oral and, at a minimum, employees should be informed of their level of performance by comparison with the elements and standards of their position

Field Professional Collective Bargaining Agreement – Article 9, Section 4(b)

Field Support Staff Collective Bargaining Agreement – Article 9, Section 4(b)

Military Service

Management Writes article, December 2006 – “Uniformed Services Employment and Reemployment Rights Act” (discusses statute that provides specific employment and reemployment rights to persons who have been called to active duty)

-N-

(none)

-O-

Occupational Safety and Health

See “Safety and Health”

Office of Special Counsel (Government-wide)

For a discussion of the Agency's Special Counsel see "Special Counsel (Agency)"

OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. OSC promotes compliance by government employees with legal restrictions on political activity by providing advisory opinions on, and enforcing, the Hatch Act. OSC also protects the reemployment rights of federal employee military veterans and reservists under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Management Writes article, September 2003 – "Supervisor Suspended and Demoted for Sexual Orientation Discrimination" (5 USC 2302(b)(10) prohibits discrimination for or against any individual or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant. This prohibited personnel practice is intended to prohibit reprisal for non-job-related, off-duty conduct.)

See <http://www.osc.gov/>

Official Time

Management Writes article, October 2007 – "Monitoring Official Time"

Orientation

OM Memo 10-81 - Revised Orientation Checklists

Outreach

OM Memo 08-22 – Outreach Program

OM Memo 06-66 - Outreach to Promote a Broader Awareness of the Act

OM Memo 06-10 - Outreach Activities in Coordination with the Equal Employment Opportunity Commission

OM Memo 04-07 - Liaison with Hispanic National Bar Association (HNBA)

GC Memo 94-12 - Press Relations

GC Memo 94-4 - Authority for Press Releases

Outside Employment

Regional Directors are authorized to approve requests from employees to engage in outside employment. Requests to engage in the private practice of law, whether or not compensation is involved, must be approved by the General Counsel. Once a request to engage in outside employment or the private practice of law has been approved, a copy of the approved request should be forwarded to the Designated Agency Ethics Official. For more specific guidance, please see APC 01-01 "Outside Employment."

Overarching Goals

OM Memo 08-63 – Strategies for Meeting Overarching Goals

Overtime

See also “Time and Attendance”

Generally, bargaining unit support staff employees, language specialists, bridgees and coop students are nonexempt from the overtime provisions of the Fair Labor Standards Act. In addition, field examiners whose pay rate is below GS-10, Step 10 are nonexempt.

Memo entitled “Guidance on Leave Usage” which discusses authorization of comp time and sequence in which various types of leave should be used. This memo is in response to an IG Audit, OIG-AMR-47-05-04: Non-Standard Work Hours Compensation.

Management Writes article, April 2005 – “Overtime – Clarifying the Rules” (employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) may be offered overtime work with the condition that they will receive comp time rather than overtime pay, although employees must understand that they can decline the offer). See also Step Three Answer – Support Staff Overtime (6/16/06)

Field Professional Collective Bargaining Agreement – Article 21, Section 1
Field Support Staff Collective Bargaining Agreement – Article 21, Section 1

-P-

Part-Time Employees

Guide for Part-time Employment

Arbitration Award – Part-time status affects eligibility date for promotion

Field Professional Collective Bargaining Agreement – Article 22

Field Support Staff Collective Bargaining Agreement – Article 22

Management Writes article, July 2007 (p. 4) – “The Impact of Going Part-Time”

Payroll Services

See “Federal Personnel Payroll System (FPPS)”

PDAs

Personal Digital Assistant (PDA) Policy, dated October 18, 2006

Performance Appraisal Forms

See “Appraisals”

Performance Factors

ICG Memo 12-10 (revised) - Uniform Standards for Excuses Used in Monthly ULP Overage Report and Post HQ Overage Report

OM Memo 06-27 - Technical 8(a)(5) Cases

OM Memo 02-102 - Guide to Statistical Reports Generated in the Agency's Case Activity Tracking System (CATS) (includes discussion of case groupings, how performance statistics are measured and definition of overage case excuses)

Performance Improvement Plan (PIP)

Management Writes article, December 2001 – “Reasonable Opportunity to Improve Performance”

Field Professional Collective Bargaining Agreement – Article 9, Section 5

Field Support Staff Collective Bargaining Agreement – Article 9, Section 5

Performance Management Systems

Related APPM Chapters

PER-17 - NLRB Performance Appraisal System for GS-1 thru GS-15 (General Schedule) and Prevailing Rate Employees

PER-18 - Performance Management Plan for NLRB GM/GS 13-15 Supervisors and Management Officials

Regional Director Performance Plan – See attached

OPM

<http://www.opm.gov/perform/index.asp>

Personal Liability

The Agency will pay one-half of the cost (up to \$150) for professional liability insurance purchased by managers and supervisors. See memo dated January 14, 2000 entitled “Professional Liability Insurance”.

Management Writes article, December 2006 – “Supreme Court to Rule on Scope of Government Representation of Employees Denying Tort Allegations”

Management Writes article, July 2007 (p. 6) – “If You Get Sued”

Personal Property (Use of)

Related NLRB Guidance

APC 94-02 "Employee-Owned Equipment" (Paper copy only)

Personnel Actions

Revised Protocol on Field Personnel Actions

Position Descriptions

NLRB Position Descriptions

http://nlrbnet.nlr.gov/Personnel/classification_staffing/position_descriptions-bargaining/position_descriptions-bargaining.htm

Also see OM Memo 06-57 for the Position Descriptions of the Deputy Regional Director positions

Press

See "Media"

Privacy Act

The Privacy Act of 1974, 5 U.S.C. 552(a) regulates the collection, maintenance, use and dissemination of personal information by federal agencies. In general, the Privacy Act prohibits the disclosure of "any record which is contained in a system of records ... to any person, or to another agency, except pursuant to a written request by ... the individual to whom the record pertains," unless disclosure is specifically permitted by the Privacy Act. A "system of records" is defined as "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual." 5 U.S.C. § 552a(a)(5). The Agency has published several Privacy Act system of records notices that, inter alia, set forth the circumstances in which the specified documents can be disclosed. For further information regarding the Privacy Act see the Surfboard under Special Litigation- FOIA/Privacy Act. For specific guidance please contact Operations-Management.

GC Memo 09-02 – New Federal Rules Protecting Personal Identification Information in Court Filings

Memo from Gloria Joseph entitled "New Privacy Act Systems of Records" Dated March 3, 2008
Privacy Act Memo Exhibit A Exhibit B

Related APPM Chapter

REC-1 Privacy Act Records

Exhibit A - Procedures for Developing Systems of Records Notices

Exhibit B - Procedures for Developing a Privacy Act Statement & Advisory

Pro Bono

E-mail from Anne Purcell, dated 11/4/11 - Labor Management Forum Agreements regarding administrative leave for Pro Bono/Volunteer Work

Probationary Employees

OM Memo 01-59 - Federal Career Intern Field Examiner Program

See Confidential Labor Relations Memorandum, dated June 26, 2006, entitled "Timely Evaluation of Probationary Employees"
Management Writes article, April 2003 – "Probationary Employee – Maybe Not"

Promotion

Revised Protocol on Field Personnel Actions

E-mail from Anne Purcell – Interviews of Managerial and Supervisory Applicants
Attachment 1 Attachment 2 Attachment 3 Attachment 4

OM Memo 10-14 – Supervisory Postings Procedures

OM Memo 07-02 – Temporary Promotions to Non-Unit Positions

OM Memo 01-88 - Delegation of Authority to Regional Directors for Selection of Automation Staff Assistant and Secretary to the Regional Director

OM Memo 00-25 - Merit Promotion Actions (sets forth whether Director or the General Counsel is the approving official and checklist of required documents to support promotion actions)

GC Memo 98-14 - Temporary Promotions for Supervisors and Non-unit Employees (discusses Regional Director's authority)

Management Writes article, December 2003 – “Significant Grievance Settlement” (the key element for promotion is whether employees have “demonstrated their ability to perform the work of the next higher grade level” (see Article 8 of the collective bargaining agreements) and an extended period of LWOP can be considered in making this determination)

Step Three Answer – Concerning Non-Promotion of [Employee A] to GS-14 (5/11/06)
(discusses performance necessary to be promoted to the GS-14 attorney position)

Arbitration Award – Part-time status affects eligibility date for promotion

Field Professional Collective Bargaining Agreement – Article 8

Field Support Staff Collective Bargaining Agreement – Article 8

Related APPM Chapter

PER-11 Merit Promotion Plan

OPM

<http://www.opm.gov/omsoe/merit/legal.htm>

-Q-

Quality

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling

ICG Memo 12-12 (CH) – Quality Committee's Report on Common Casehandling Deficiencies Uncovered in FY 2011 Quality Review Process

ICG Memo 12-02 - FY 2010 Quality Committee Litigation Memo

OM Memo 11-05 - Quality Committee's Report on Selected FY 2009 Litigation Wins and Losses

GC Memo 10-04 (CH) – Quality Committee's Report on Common Casehandling Deficiencies Uncovered in FY 2009 Quality Review Process

OM Memo 10-26 – Comprehensive Report of the Quality Committee – Attachment

OM Memo 08-76 – Quality Committee's Report on FY 2007 Litigation Losses – Attachment

OM Memo 07-84 – Quality Committee’s Report on FY 2006 Litigation Losses
OM Memo 06-91 – Quality Committee's Report on FY 2005 Litigation Losses
OM Memo 06-16 – Quality Committee Report on FY 2004's Litigation Losses-Credibility
OM Memo 05-46 – Litigation Success Rate and Significant Litigation Losses
OM Memo 05-38 – Report of the Quality Committee on FY 2003's Litigation Losses and Recommendations to Maintain High Quality Litigation

Quality Review

The Division of Operations-Management annually conducts a quality review of each Region’s unfair labor practice, representation and compliance cases. A memorandum issues each year setting forth the parameters of the quality review program. The most recent memorandum issued on January 6, 2012 from Associate General Counsel Anne Purcell.

The following checklists are used as a guide by Operations-Management when conducting the quality review: Unfair Labor Practice Cases; Representation Cases; Compliance Cases.

-R-

Reasonable Accommodation Program

See “Americans with Disabilities Act”

Recruitment

See “Hiring”

References for Employment

OM Memo 06-41 - Pre-Employment Reference Checks for Attorney and Field Examiner Positions

Management Writes article, December 2006 – “Reference Checking: Don’t Neglect the Personal Touch”

Management Writes article, January 2006 – “Importance of Checking Employment References” (provides information on giving references)

Remedies

OM Memo 12-57(Revised) - Electronic Distribution Posting of Notices and Reading of Notices

GC Memo 11-06 – First Contract Bargaining Cases: Regional Authorization to Seek Additional Remedies and Submissions to Division of Advice

GC Memo 11-01 - Effective Remedies in Organization Campaigns

OM Memo 09-44 (CH) – Public Inquiries and Investigations Involving Non-English Speaking Witnesses - (appropriateness of foreign language notice)

GC Memo 08-09 – Submission of First Contract Bargaining Cases to the Division of Advice

GC Memo 07-08 - Additional Remedies in First Contract Bargaining Cases

GC Memo 07-07 - Seeking Compound Interest on Board Monetary Remedies
GC Memo 06-05 - First Contract Bargaining Cases
OM Memo 02-43 – Plain Language in Board Remedial Notices
OM Memo 99-79 - Remedial Initiatives

Reports

ICG Memo 12-10 (revised) - Uniform Standards for Excuses Used in Monthly ULP Overage Report and Post HQ Overage Report
OM Memo 09-49 – Contempt Litigation and Compliance Branch Submissions – Attachment
OM Memo 07-26 - Bankruptcy Proceedings Best Practices (cases listed on the Overage Compliance Report with the excuse “Bankruptcy” will be excused as long as the footnote in the report reflects the date that the Region checked the bankruptcy status during the reporting month and the status of the case)
OM Memo 06-52 - Reporting the Backpay and Interest Collected and Fees, Dues and Fines Refunded on the Closed Case Report
OM Memo 05-79 - Electronic Submission of Complaints Pilot Program
OM Memo 05-46 - Litigation Success Rate and Significant Litigation Losses
OM Memo 03-70 - Monthly Compliance Situation Report and Compliance Overage Excuses
OM Memo 02-102 - Guide to Statistical Reports Generated in the Agency’s Case Activity Tracking System (CATS) (includes discussion of case groupings, how performance statistics are measured and definition of overage case excuses)
GC Memo 00-03 - Realignment of Responsibilities (details the documents that are to be submitted to Advice or Operations. Note that, contrary to the memorandum, inquiries by Congress or the public directed to the General Counsel are handled by Operations-Management and the field jointly.)
OM Memo 98-13 - Monthly Compliance Reports (instructions on preparation of the overage compliance reports)
OM Memo 97-78 - Information on EAJA Cases (reports to be submitted in EAJA cases)
GC Memo 97-03 - Bankruptcy Referrals to Headquarters’ Offices (discusses division of responsibilities of bankruptcy matters between Contempt and Special Litigation Branches)

Retirement

See “Ceremonies”

-S-

Safety and Health

OM Memo 06-64 - Safety Guidelines for Field Agents (regarding personal safety, vehicle security and safe cell phone use)
OM Memo 96-53 - Policy on Responding to Violence and Threatening Behavior in the Workplace (Crisis Response Plan)

Related APPM Chapter

FAC-2 Occupational Safety and Health Program

Field Form - Poster

Section 10(j)

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling

ICG Memo 12-01 - Revision to Section 10(j) Policy With Respect to Section 8(f) Cases

GC Memo 11-01 - Effective Remedies in Organization Campaigns

GC Memo 10-07 - Effective Section 10(j) Remedies for Unlawful Discharges in Organizing Campaigns

GC Memo 08-09 - Submission of First Contract Bargaining Cases to the Division of Advice

OM Memo 08-12 - Section 10(j) Cases and Moot Court Oral Argument Preparation

GC Memo 07-08 - Additional Remedies in First Contract Bargaining Cases

GC Memo 07-01 - Submission of Section 10(j) Cases to the Division of Advice

GC Memo 06-05 - First Contract Bargaining Cases

OM Memo 06-60 - Section 10(j) Cases and Expedited Hearings

OM Memo 01-33 - Timely Processing of Section 10(j) Case When Multiple Related Charges are Filed

GC Memo 99-04 - Participation by Charging Parties in Section 10(j) Injunction and Section 10(j) Contempt Proceedings

GC Memo 94-17 - Expedited Hearings

Section 102.118

GC Memo 98-09 - Delegation of Section 102.118 Authorization (delegation of certain 102.118 authority to Associate General Counsel for Operations-Management)

GC Memo 98-7 - Delegation of Section 102.118 Authorization (delegation of certain 102.118 authority to Associate General Counsel for Enforcement Litigation)

GC Memo 94-14 - Section 102.118 Delegation (delegation of certain 102.118 authority to Regional Directors)

Senior Executive Service (SES)

APC 89-5 - SES Sabbaticals

APPM Per-20 - Performance Based Pay System for the Senior Executive Service (SES)

APPM Per-19 - Performance Appraisal System for Senior Executive Service Employees

OM Memo 07-61 - SES Recertification and Agency Strategic Plan
Attachment 1 and Attachment 2

Regional Director Performance Plan - Effective March 1, 2009

Parameters in Appraising Regional Directors under the Performance Plan

OPM

<http://www.opm.gov/ses/index.asp>

Settlement Agreement (Including Non-Board)

ICG Memo 12-13 - Revised Comprehensive Report on Quality Casehandling

OM Memo 12-57 (Revised) - Electronic Distribution Posting of Notices and Reading of Notices

Default Language - E-Mail from Anne Purcell dated 3/31/11

GC Memo 11-04 - Revised Casehandling Instructions Regarding the Use of Default Language in Informal Settlement Agreements and Compliance Settlement Agreements
OM Memo 08-24 – Settlement of Unfair Labor Practice Cases Pending before the Board
OM Memo 07-27 – Non-Board Settlements
OM Memo 07-24 – (CH) (Revised) Settlements Involving Section 8(a)(5) Allegations Attachment
OM Memo 06-45 - Compliance Conference Follow-Up (includes settlement recommendation form)
OM Memo 05-96 - Casehandling Instructions Regarding Use of Default Language in Settlement Agreements
OM Memo 02-43 - Plain Language in Board Remedial Notices

Skip Counsel

OM Memo 10-05 – Skip Counsel Issue Regarding Service of Documents and Correspondence

Social Media

ICG Memo 12-07 - Guide to Creating a Facebook Account
ICG Memo 12-03 – Revised Social Media Guidelines

Solicitor-Filings

ICG Memo 12-04 – Suggested Procedures When Filing Materials with the Solicitor’s Office

Space Management

See “Facilities and Space Management”

Special Counsel (Agency)

For a discussion of the Office of Special Counsel that covers all government agencies see “Office of Special Counsel (Government-wide)”

The Office of the Special Counsel, located within Operations-Management, serves as Agency litigation counsel and principal legal adviser with respect to litigation of internal labor and employment relations complaints and other disputes affecting the operations of the Agency. Special Counsel provide legal advice and assistance to both the General Counsel and the Board, as well as Agency managers and supervisors located in Headquarters and in the Field. Special Counsel, in conjunction with the Human Resources Branch, advise as to a broad-array of workplace issues, including requests for reasonable accommodations, employee performance and attendance problems, and other disciplinary matters. They also represent the Agency and its managers in litigation involving adverse actions before the Merit Systems Protection Board; “whistleblowing” and other prohibited personnel practice complaints before the U.S. Office of Special Counsel; contract grievances and arbitration; discrimination and retaliation complaints (EEOC and federal district courts); unfair labor practices before the Federal Labor Relations Authority, as well as tort claims, procurement contract appeals, and unemployment insurance and workers’ compensation claims.

Although much of the work is oriented toward preparation for litigation and trials, litigation avoidance is an important part of this Office's responsibilities. Most cases are resolved short of trial through negotiations and settlements, as well as mediation and other avenues of alternative dispute resolution. Special Counsel serve as Agency representative during ADR proceedings and settlement negotiations.

Staffing

See "Ceilings"

Submissions

See "Reports"

Subpoenas

ICG Memo 12-09 - Recent Legislation Affecting HIPAA's Scope and Criminal Liability Provisions

OM Memo 08-35 - The Application of the Skip Counsel Rule to Subpoenas and Subpoena Cover Letters

OM Memo 08-34 - HIPAA Subpoena Procedures and Revised HIPAA Authorization Forms

GC Memo 00-02 - Investigative Subpoenas

GC Memo 94-09 - Investigative Subpoenas

GC Memo 82-32 - Subpoenas Issued to Members of the Press

Memorandum dated August 2001 from Assistant General Counsel Margery Lieber et al. entitled Subpoena Enforcement

Suggestions Program

See "Awards"

Support Staff

OM Memo 09-29 - Interviewing Support Staff Applicants and Reference Checks

OM Memo 06-47 - Best Practices for Increasing the Productivity and Job Satisfaction of Support Staff in Regional Offices

OM Memo 03-94 - Support Staff Cooperative Education Program

OM Memo 03-78 - Options for Converting to a Professional Position

OM Memo 99-83 - Memorandum of Understanding on Support Staff Restructuring and attached Memorandum of Understanding

OM Memo 99-46 - Entry Level Support Staff Hiring

OM Memo 99-45 - Senior Community Service Employment Program (SCSEP) (although this memorandum states that this is a pilot program, the program is still in effect)

Swearing-In

See "Ceremonies"

-T-

Telecommuting

Field Professional Collective Bargaining Agreement – Article 34
Field Support Staff Collective Bargaining Agreement – Article 34

Telecommunications

OM Memo 06-62 - Agency Owned Cell Phone Protocol
Attachment

OM Memo 04-27 - Best Practices Guide for NLRB Videoconferencing
Attachment

OM Memo 95-04 - Memorandum of Understanding Regarding Implementation of Voice Mail in
Field Offices

Memorandum of Understanding regarding Use of Internet E-Mail, dated May 2003

Memorandum of Understanding regarding Internet Access, dated January 1999

REC-5 - Agency E-mail Records Retention Policy

Related APPM Chapter

FAC-3 Space and Communications

APC 99-03 Use of Agency Telecommunication Resources

Test of Certification Cases

GC Memo 06-07 - Procedural Initiatives in Election Cases (discusses expediting technical
8(a)(5) cases after Board decision)

OM Memo 06-27 - Technical 8(a)(5) Cases

Time and Attendance

See also “Comp Time” and “Overtime”

Memo dated 12/29/00 – Lunch Period

IG Audit Report No. OIG-AMR-29-00-01, Evaluation of Time and Attendance Practices

IG Inspection Report No. OIG-INS-09-00-06, Accounting & Reporting Systems in the Chicago
Regional Office

IG Inspection Report No. OIG-INS-08-00-05, Accounting & Reporting Systems in the Seattle
Regional Office

IG Inspection Report No. OIG-INS-07-00-04, Accounting & Reporting Systems in the Cleveland
Regional Office

IG Inspection Report No. OIG-INS-06-00-03, Accounting & Reporting Systems in the Brooklyn
Regional Office

Training

Training Modules

For a complete list of available training modules, as well as other training materials, see:
<http://nlrbnet.nlr.gov/EmpDev/Training.htm> (Training Programs - Professional Development Program)

OM Memo 08-14 – Legal Writing Program

OM Memo 07-73 – Supplementing Regional Office Training Programs For
New Professional Employees

OM Memo 10-81 - Revised Orientation Checklists

OM Memo 03-108 - Courses and Videotapes Available Through Department of Justice's
National Advocacy Center

OM Memo 03-65 - The Mentoring Component of the Field Legal Writing Program

OM Memo 03-34 - Litigation and Trial Training Resources

Management Writes article, July 2001 – “Agency and NLRBU Agree that Bar Review Courses
Are Not Reimbursable”

Field Professional Collective Bargaining Agreement – Article 7

Field Support Staff Collective Bargaining Agreement – Article 7

Transfer of Employees

Management Writes article, January 2005 – No-Cost Transfers and Compelling Personal
Hardship”

Field Professional Collective Bargaining Agreement – Article 33

Field Support Staff Collective Bargaining Agreement – Article 33

Travel

OM Memo 07-92 – Commuting Costs and the Use of Personally Owned Vehicles

Management Writes article, August 2004 – “Agency Decides Travel Plans – Not Employee”

Related NLRB Guidance

<http://nlrbnet.nlr.gov/Budget/Travel/travel.htm>

APC 08-04 NLRB Travel Guidance

Travel Comp Time

See also “Comp Time”

E-mail from Harry Jones, dated October 18, 2005, entitled “Travel Comp Time Agreement”
(discusses MOU with NLRBU and provides examples of when travel comp
time is and is not appropriate). The MOU is an attachment to the e-mail.

APC 05-02 Compensatory Time Off for Travel

Travel Charge Cards

See “Credit Cards (Travel)”

Travel Reimbursements

Related NLRB Guidance

APC 05-01 Procedures Regarding Acceptance of Travel Expenses Paid by a Non-federal Source

AB 93-44 Acceptance of Travel Expenses from Organizations under 26 USC 501(c)(3)

Travel Reimbursements Q&As

Forms

Form NLRB 5475 Request for Authorization of Acceptance of Travel Expenses from a Non-federal Source Under 31 USC 1353

Form NLRB 5476 Request for Acceptance of Travel Expenses from a 501(c)(3)

-U-

(none)

-V-

Volunteers

OM Memo 03-07 - Appraisals for Cooperative Education Students, Summer Student Assistants and Student Volunteers

OM Memo 99-45 - Senior Community Service Employment Program (SCSEP) (although this memorandum states that this is a pilot program, the program is still in effect)

OM Memo 98-30 - Student Volunteer Service Program

Related NLRB Guidance

APC 97-04 "Student Volunteer Program for the NLRB"

APC 97-05 "Student Volunteer Program for the NLRB" (Amendment)

Volunteer Community Service

E-mail from Anne Purcell - Labor Management Forum Agreements regarding administrative leave for Pro Bono/Volunteer Work

Memorandum dated February 5, 2007 from Chairman Robert J. Battista and General Counsel Ronald Meisburg entitled "Scheduling Work and Granting Time Off to Participate in Volunteer Community Service"

-W-

Workers' Compensation Claims

Management Writes article, April 2012 – "Workplace Injury and Continuation of Pay"

Management Writes article, June 2006 – "What To Do When an Employee Reports an Injury FECA or Federal Employees Workers' Compensation Claims"

Related APPM Chapter
PER-6 Federal Employees Compensation Program

-X-
(none)

-Y-
(none)

-Z-
(none)